

MINUTES

PLANNING COMMISSION CITY AND BOROUGH OF JUNEAU Michael Satre, Chair

REGULAR MEETING April 9, 2013

I. ROLL CALL

Chairman, Michael Satre, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7 pm.

Commissioners present: Dennis Watson, Dan Miller, Nathan Bishop, Jerry Medina, Michael Satre (Chair), Nicole Grewe, Karen Lawfer, Benjamin Haight

Commissioners absent: Marsha Bennett

A quorum was present

Staff present: Beth McKibben, Planner; Teri Camery, Senior Planner; Hal Hart, Director; Greg Chaney, Planning Manager; Benjamin Lyman, CDD Planner

II. APPROVAL OF MINUTES

- February 26, 2013 – Regular Planning Commission Meeting.

MOTION: by Mr. Miller to approve the February 26, 2013, PC minutes with any changes by staff or fellow commissioners.

There being no objection, the minutes from February 26, 2013, was approved.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Carlton Smith spoke regarding the Assembly's initiation of its budget review for 2014. The school board budget is first on the list. He asked if any of the commissioners would like to join the Wednesday night meetings until June.

From the Comprehensive Plan review, he spoke regarding the summary narrative that Commissioner Bennett put together, which was looked at last week. That summary deals with the history of the native community in Juneau. He shared that it was a fair and positive

representation of that history. For now, he suggested that it be marked as draft. He complimented Commissioner Bennett's work.

In terms of the Comprehensive Plan and presentation to the Assembly, he suggested that they consider developing a cover memo offering an executive summary on the suggested changes. He asked for comment on reducing the size of the document because of the input already received. For ease of review by the Assembly, he suggested color coding, in one color, all those sections which have been amended, changed, or added to, so that it can be quickly seen where the document has changed. He also asked that they comment how a future rewrite might be accomplished in an efficient way.

Last night, the Development Community, the Builders Association offered some suggestions of how the Assembly could influence the construction of more homes in Juneau. They informed that the Commission needs to offer the manager some specific direction. He encouraged everyone to look at the document provided by the association. He noted the Ad Hoc Committee is going to be meeting next week to discuss how all this information can be put together in a way that the Assembly will actually be able to see the implementations.

The evaluations process looking at the performance of the City Manager is underway.

Chair Satre thanked Mr. Smith. He voiced appreciation for the attendance and comments on the Comprehensive Plan. He hoped that Mr. Smith would stay for the Comprehensive Plan portion of the meeting to address some minor housekeeping issues with the intent of turning it back to staff and having them create a clean copy for the Board and the Assembly.

Mr. Miller and Mr. Haight expressed a conflict of interest and stepped down for the item.

Mr. Medina referenced Page 7 of the staff report, under Question 6, he believed the answer should be yes, that it complies with the Land Use Code.

Staff was noted that was correct.

MOTION: *by Mr. Watson to approve SMF2013 0001 with the change recommended by Mr. Medina, accept staff findings and recommendations, and asked for unanimous consent of the Commission.*

There being no objection, SMF2013 0001 was approved.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

AME2013 0007: Amend the Comprehensive Plan map from Resource Development to a mix of Industrial, General Commercial, and Resource Development in the area of Honsinger Pond.

Applicant: Bicknell Inc.

Location: Honsinger Pond Area.

Staff Recommendation:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend the Assembly approve amending Comprehensive Plan Map G, as shown on attachment F, which changes the disturbed areas of the site to industrial and leaves the undisturbed areas as Resource Development.

Chair Satre acknowledged that Mr. Miller and Mr. Watson have a conflict on this item so, they will step down.

Ms. Grewe commented on prior volunteer activities, noting that she has seen some correspondence, but it wasn't anything more than what was in their packet.

Staff Report

Beth McKibben, Planner, explained that the request was to amend the Comprehensive Plan Map G from Resource Development to a mix of Industrial, General Commercial, and Resource Development in the area of Honsinger Pond. She presented a map of the location. She noted a small area that also belonged to the parcel. The proposal is only for the bigger portion. Nothing is being proposed to be changed with the small area. It is currently zoned industrial. The site is 82.66 acres; it is zoned Rural Reserve primarily. The definition in the Comprehensive Plan is Resource Development. City Water & Sewer are available, and access is via Yandunkin and Egan Drive.

Ms. McKibben wanted to clarify because there had been some confusion, particularly in the newspaper article - The applicant submitted an application to amend the Comprehensive Plan Map G. Staff has reviewed it and made a recommendation. Ms. McKibben explained where they were in the process - The Planning Commission's recommendations from today's meeting after the public hearing will go to the Assembly. There will be a second public hearing. If that is approved, the applicant intends to apply for a rezone. There will be another application that will again be reviewed by staff. There will be public notice. It will come before the Planning Commission again for another public hearing. It will then go to the Assembly for final action and there will be yet another public hearing. Then, potentially, after that, a development proposal may be obtained. That developed proposal may just be approved by staff or it may require approval from the Planning Commission; it depends on the proposal.

Ms. McKibben presented the Comprehensive Plan Map G that they are proposing to amend. The area in question shows Resource Development. The current zoning is Rural Reserve. There is light industrial at the airport, light commercial at Fred Meyer, D5 where the church is, and some D15 property just past that. The applicant has proposed that a portion of the property be reclassified on the Comprehensive Plan as General Commercial and another area be reclassified as industrial on the Comprehensive Plan map [pointed to map]. The area outward would remain

as Resource Development. Staff has recommended, through a lot of review that roughly 46 acres would be industrial and roughly 37 acres would be Resource Development. The primary reason staff is recommending that they are not put in General Commercial is because the description of General Commercial in the Comprehensive Plan talks a lot about the residential uses that can take place there and it talks a lot about mixed uses, such as mixed residential and commercial uses.

Ms. McKibben commented regarding whether or not it was appropriate for residential uses to be that close to the airport. She spoke regarding the conflicts and concerns that have happened in Anchorage, particularly where there has been a lot of residential development near the airport, which spurred noise complaints.

She stated the reason they are supporting the industrial is that it is supported quite thoroughly through the Comprehensive Plan. There is a portion of the site which has been used for gravel extraction since the 70s and in the 90s, was the most recent renewal for that application and pointed to the map where those were done. She demonstrated disturbed pieces of properties. The Comprehensive Plan talks a lot about reusing previous gravel extraction sites as gravel pits. It actually speaks specifically in one location to this particular site. The Comprehensive Plan speaks to gravel extraction sites being used for industrial purposes after they are closed and that message is in the Comprehensive Plan at several different locations.

The plan talks about Scenic Resources and Scenic View Corridor, which is actually shown on the maps. The plan also talks about retaining a portion of this particular site for purchase and it talks specifically about the undisturbed areas outside the pond area.

Ms. McKibben presented a slide which was submitted by Jackie Triplett showing high tide, the berm that separates the undisturbed areas from the disturbed areas, and the pond. A number of public comments and some of the phone calls that she had had were concerning the Christmas tree. Upon reviewing the aerial photos, they think the Christmas tree is in the area that was suggested for industrial rezoning.

The findings that staff has made is that maintaining the resource development areas on the Comprehensive Plan map is appropriate per subarea 4 guideline, consideration number 12, and chapter 11, page 168. She clarified the staff report for the Planning Commission, pointing out that “undisturbed” was intended to be “disturbed” areas to industrial as appropriate per chapter 5, Standard Operating Procedure 5.7 SOP 2, and that General Commercial is not appropriate due to the proximity of the airport. Staff is recommending the Planning Commission adopt the Director's findings and analysis and recommend approval to the Assembly for the amendment to the Comprehensive Plan Map G, which was shown as attachment F.

Ms. McKibben mentioned several blue folder items which represented a large number of comments in opposition to this proposal. There seems to be some confusion related to the Comprehensive Plan _____ rezoning.

She specifically addressed a set of comments, which stated that this area is in a floodway. She wanted to clarify that this is not in a floodway; it is in the map as a flood plain, which will

require, through the permitting process, that construction be above the base flood elevation. She noted that it is on the current maps, but there may be some changes when the flood plain maps change, as to exactly where those lines are. Most of the site appears to be in zone A, some in zone B, and that's where the changes will most likely occur with the new maps. She offered to answer any questions.

Mr. Medina had a question [Page 5 of 9 in the staff report, the very last paragraph] regarding large scale flood productions and asked if that would be **D** _____. Ms. McKibben replied, 'Yes.'

Ms. Grewe noted that there were several pictures at the end of the staff report that did not come in very clear. She asked if screen shots were available. Ms. McKibben replied that she did have that available.

While Ms. McKibben was bringing up the pictures, Chair Satre spoke about private parcels adjacent to wetlands and asked whether the Comprehensive Plan maps would not change.

Mr. Chaney replied that the zoning maps specifically say that anything that is accreted or is outbound of the zone, the zoned area takes on the upland zone if it is not specifically laid out. He noted that they would have to do the research on the Comprehensive Plan maps. He was not sure if they would follow the same thing.

Ms. McKibben presented the photographs.

Chair Satre opened up public testimony on this item.

Applicant Testimony:

Murray Walsh represented the applicant, Bicknell Incorporated. He had anticipated spending most of his time talking about the staff recommendation, but noted there was a considerable amount of misunderstanding over what they are proposing now versus what was proposed last year. Last year, they proposed reclassifying the entire parcel, they are not doing that this time. The part that is shown as RD on the map would not change at all. He stated there was another seven to eight acres that would accrete to this parcel, if they went through the process. They are not asking to change that either. He noted that a lot of the letters do not make that distinction. What is important is that the wetlands that are of such value are in the RD portion of the property that is shown. The part of the parcel that is between the pond and the highway does have some rudimentary wetlands there, that area is lifting and the wetlands there will disappear. Mr. Walsh said that they are not proposing to change the classification for any intertidal wetlands. He emphasized the importance of the wetlands to the biological agencies and such.

Mr. Walsh noted though that the pond itself is a hazard. The pond creates problems for the airplanes because it is attracting wild birds. He noted it is a public hazard and needs to be dealt with. He reiterated that they are not talking about the important wetlands, but rather about a pond that is a danger to society and an area that is essentially mostly dry land with a few wet spots in the jurisdictional wet spots on it.

They would prefer to keep their original application, which is a combination of industrial near the airport and commercial near the highway. The concern that staff has brought up is noise from the airport. He commented that it is probably noisier on the highway, but there are plenty of things that can be done to address noise. He asked for the same treatment the Planning Commission had given Aspen Suites (pointed to the map where Aspen Suites was and where the proposed property for commercial development was – saying they were about equal distances). He thought more noise came from the highway than from the airport.

Mr. Walsh discussed the appearance of industrial development, making reference to Concrete Way, the most recently developed industrial subdivision, presumably one of the most heavily regulated according to the modern code. He gave examples regarding industrial zone additions - presented photographs of Old Dairy Road, which was built largely 30 or 40 years ago when the code was far less stringent. It noted it was much more pleasant to look at than Egan Drive.

Mr. Walsh referenced the code with regards to vegetative cover. Industrial zones have a 5% vegetative cover requirement and commercial zones have 10%. In addition, the Planning Commission will have a third review of this proposed subdivision. There will be plenty of lots. It is an opportunity for the planning commission to propose conditions over and above those that are in the code and will have the discretion to impose additional landscaping and visual conditions.

Mr. Walsh noted that they want to stick with their original request. They are not too finicky on the lines just yet. They are asking for a recommendation to the Assembly that a mix of the industrial nearer the airport and commercial nearer the highway be the amendment to this Comprehensive Plan map. They want to work with staff in the preparation of that to refine the lines and the lines could be refined further after the rezone process. He said they have had a lot of guidance from other planning documents and applauded staff for their analysis vis-à-vis the conversion to industrial but he thought staff stopped a little short in really considering the distinctions between industrial and commercial zoning. He agreed to deal with the noise issues easily, noting it is certainly going to be far easier to present a good face to the traveling public. He emphasized that this is far from the same proposal that they were about to present last year. This is half of the applicant's potential property that is being proposed for change, not all of it. Clearly, the Comprehensive Plan leans toward this kind of improvement and they will be mitigating hazards to the traveling public. He opened for any questions.

Mr. Bishop asked Mr. Walsh if he investigated the airport's sound parameters set for development next to the airport or if he had worked with staff on that.

Mr. Walsh replied they did not work with staff, but have certainly looked at the sound contours at the airport. He noted the worst parts are off either end, stating that by the time one gets to Egan Drive, the airport is not being heard in a meaningful way.

Mr. Bishop asked if Mr. Walsh could or could not speak to any restrictions put on the contour mapping.

Mr. Walsh replied that there are no restrictions that the airport imposes nor are there any restrictions that the City imposes. It is just something that people need to be aware of. He noted some kind of notice requirement could be imposed in some areas, but would not bother this proposal. The airport has no authority to impose requirements on developments that are nearby.

Ms. Lawfer proposed a question regarding Page 4 and 5 of the staff comments, the Comprehensive Plan mentions Parks and Recreation acquiring parts of this land.

Mr. Walsh illustrated on the map what the boundaries of such an acquisition would be.

No other questioned were raised.

Ms. McKibben came forward to expound on the question that Commissioner Lawfer had previously addressed to Mr. Walsh regarding the Comprehensive Plan's description of the acquisition of the Smith/Honsinger parcel outside the pond area for natural area and scenic corridor conservation. There is no map that defines that. When the lines were drawn, she interpreted it as being similar to the RD, but it may also include the undisturbed areas that are in the industrial area, but there is no map that gives exact information.

Ms. Grewe followed up saying that had some difficulty discerning what was intended to be park space for CBJ. She referenced the first paragraph, "...these other lands have previously been designated for future park use near the airport and abandoned land and gravel pit..." That includes the gravel pit, which she assumed would be the pond, noting that was older Comprehensive Plan text. Nevertheless, that land has been in its current state presumably for decades. The two do seem to conflict somewhat. It is unknown if it was the whole area that Bicknell now owns or part of it.

Chair Satre stated they could discuss that at a later point in time. He moved ahead to public comment.

Public Testimony:

Pat O'Brian, 9690 Moraine Way - Last December, she was informed of possible changes and wrote a letter to the editor encouraging people to come and comment. When it was considered last December, people really felt strongly about it, but they did not get a chance to get those messages to the Commission. When Mr. Bicknell pulled his application at noon that day, he never saw any of those comments. Ms. O'Brian felt somewhat responsible because she had encouraged people to comment, so she acquired copies of all the comments, read through them, figured out some topics, and wanted to give the Commission an idea of where the people of Juneau stand on this issue.

Chair Satre commented that the Commission had the highlighted items in the packet.

Ms. O'Brian went on speak about comments that were submitted in the last round, which included a lot of photographs of wildlife and other things that may not otherwise be seen. She did not think it was fair because she knew the Commission would only get a few minutes to look at this before they came to the meeting. She wanted the Commission to be aware of what people

were going to say. The newspaper ran an article the previous day and a few more comments were gathered.

Ms. O'Brian spoke regarding the issues surrounding the wetlands. She commented that most people look at the entire area as being wetlands, even though it is known that some of it is actually the uplift and uplands. She noted that Mr. Armstrong had provided a copy of this to each of the members of the committee. She referenced Page 45 - a drawing that shows the various levels and their importance, the top two levels - uplift spruce and the uplift meadow. A lot of people commented on the value of those particular areas. She thought it important not to just look at it as wetlands. Wetlands are very wet, but there is a lot of value to the wetlands and to the animals and creatures that live there. She thought most people were talking about the entire area being preserved. She shared a few of the summary areas where people expressed the most concern. She pointed out Laurie Craig's comment on Honsinger Pond - "It's a prize scenic vista of spruce forest and brilliant fireweed in late summer. It is not the eye sore it once was". That is an important thing to consider. Only three people specifically spoke about Honsinger Pond, but an additional seven people wrote about losing a lot of wetlands habitat when the airport expands largely and fills ponds.

She spoke regarding migrating birds losing a large area and the safety of the airport. This is a little further removed, but a vast amount of habitat has been removed. She spoke of the one of the comments questioning whether they should be holding on to as much of the remaining land-filled areas as possible. Ms. O'Brian estimated ten people expressed genuine concern about loss of habitat.

Lack of mitigation of wetlands already lost - Nine people spoke regarding that really worried because mitigation does not really happen. Sometimes an environmental organization gets some money to do something nice, but once it's gone, it's gone, and they are going to be losing more on this project.

She referenced Denise McPherson's comments, "Loss of the wetlands to development has been a consistent theme since I moved to Juneau in 1961 and there has been virtually nothing done to mitigate this loss." Ms. O'Brian commented that she spoke with a scientist the previous day, who pointed out that as soon as wetlands get uplifted, cities prematurely start building. Wetlands are the least available types of land, they fill an important niche for wildlife and for the creatures that live there and it is just disappearing not only in Juneau, but throughout Southeast Alaska.

On the adjacent Mendenhall refuge, a total of twelve people commented on that, including Moran Scott, who is the area biologist. He wrote a letter conveying that while the proposed zone change is not specific to an identified project, future activity allowed by the change has the potential to impact the refuge and its users. He did point out a large number of animals and birdlife there too. Eighteen people supported this and said it is a very valuable bird area. One of them pointed out that Mendenhall Wetlands is designated as an international important bird area. A scientist pointed out that he conducts an annual breeding bird survey in Juneau that includes two survey points, especially in this area. He stressed the importance of the area to the wetland meadow nesting birds, migrating and resting resident ____ and waterfowl. Even though the habitat will be reduced, she felt strongly that it should not be wiped out completely.

Wildlife - Eighteen people spoke on that. She then spoke of a comment from John Hyde, and noted that these comments were representative of the larger stack of comments. 'We also need to include avenues and corridors for safe travel along their borders that will help insulate them from human activities that can threaten them and that occur immediately adjacent to those wild lands; in effect buffer zones without which the value of these lands set aside for wildlife is diminished'.

Some people expressed strong dismay that this was going to be considered because of the beauty etc. Susie Fowler wrote, "It's one of the most beautiful approaches to a City I've ever seen." She spoke regarding keeping the capital issue, tourism issue, conservation issue, and quality of life issue, noting that people are not talking about just one part of it.

The Viewshed got the most comments. She stated that the Viewshed is one of the things in the Comprehensive Plan that they should be looking at. Per the staff report, it was not very clear regarding whether this should be considered an important Viewshed. Ms. O'Brian noted the importance of this Viewshed to many people and she got at least 25 comments on that. Tourism was specifically mentioned by 12 of those people. She quoted Richard Stokes, "Those are the type of resources that sets Juneau apart and costs something close to a million visitors to come and enjoy and spend money in Juneau." Twenty-four people mentioned beauty; that was the thing that struck most who commented. She quoted Mark Schwann, "For more than twenty-five years, I drove past this parcel of land on my way to work, coming around at the end and passing the airport fill and then _____ the trees bordering the pond, the expansive view across the property and beyond was always a spiritual experience."

Thirteen noted quality of life issues - that is part of why they live here, this beauty surrounding them, and they do not want to see Alaska become like the Lower 48. This is a unique community to have these wild places right within the city limits and everyday life.

Linda Nickam wrote, "When people actually work and live here, competent professionals are attracted. Residents look to how they can stay and wealth is created."

It is an emotional attachment for a lot of people. Michelle Siberman wrote, "This is the first time I have ever written to the Commission. That should speak to the intensity of my desire to see this area remain in an undeveloped state." A significant number of members wrote that when Bicknell Inc. purchased the land, it was RD.

Roman Matayka wrote, "The current owner purchased the property with a Rural Reserve Zoning and the Resource Development Comprehensive Plan designation in place. Retaining the current zoning in the Comprehensive Plan designation provides a reasonable expectation for use of the property."

She was surprised that seven people said that the City should buy the property and they did not mean just a piece of it; they meant the whole thing.

Rye Bennert wrote, “The applicant brought the property knowing it was zoned as rural development. Giving its proximity to Juneau’s main arterial road, the property to industrial and lot commercial would no doubt result in a substantial increase in its monetary valuation. Keep the option of purchasing it from the applicant open and then adding it to the refuge”.

Ms. O’Brian hoped the comments she shared would be useful to the Commission and give them an idea of how people feel. She noted that since last December, a lot more people have commented than what was originally presented.

Chair Satre thanked Ms. O’Brian. He opened for questions.

Ms. Grewe wanted to clarify regarding the number of opposing comments. Ms. O’Brian said there were actually 60 comments. Ms. Grewe noted that the old comments were not in the blue folder and Ms. O’Brian clarified that 53 are definitely new and the old ones were part of the previous application process.

Tina Brown, 19400 Beardsley Way - Represented the Alaska Wildlife Alliance along with their strong chapter, Alaska Wildlife Alliance Southeast, which is based in Juneau. They strongly oppose this proposed amendment. She stressed that they had heard this evening that this is far from the same thing that was proposed in December, but it doesn’t mean it’s good and/or right for the community.

In order to have a healthy ecosystem, all components have to remain as undisturbed as possible. Fragmenting an ecosystem is harmful to the flora and fauna supported by that ecosystem. It is detrimental to the ecosystem as a whole. More specifically to this issue, there is high value in and a strong need for a buffer zone to protect the adjacent wetlands. Just because this property is not technically wetlands does not mean it isn’t very important.

The area in question is a marsh transition zone and that’s very, very valuable to the ecosystem as a whole. What is ecologically and biologically good for the uplands is good for the wetlands. It was pointed out that much land in this area has already been developed and Ms. Brown disagreed. That was the point that many people whom Ms. O’Brian represented in her testimony were trying to make. She stated that if more and more land continues to be taken away, nothing would be left of these valuable and beautiful lands that are treasured by the community. As a matter of fact, she stated at least 39% of the original Mendenhall wetlands have disappeared. The continued loss of these wetlands could result in a lot of fish and wildlife reduction, both year round and migratory - All of this could be disturbed.

The proposed change in the Comprehensive Plan sets a precedent. If approved, more and more land could be taken from this area. It plays a critical role in the quality of life and in the large and growing tourism industry. Visitors come to see wildlife, broad vistas, beautiful scenery, and fireweed fields and Alaskan landscapes.

Ms. Brown stated that almost all the visitors who come to Juneau who visit Mendenhall Glacier, the shrine, the arboretum, and Eagle Beach go by that area; everyone that takes a charter trip, whether it be whale watching or fishing, drive by this area twice. Tourism operators speak about

this area, talk about the change of seasons, and how different it is from the change of seasons where these folks may have come from. They talk about the fact that it is an important bird area. They look for wildlife out there as they are driving by. She noted that the ride from a downtown cruise ship to Auke Bay could be a long one if they didn't have something beautiful to look at.

She asked how many state capitals and/or cities can boast of having such accessible world class sceneries, such gorgeous vistas right in the area where all can enjoy regularly. She pointed out that it is a joy for her to drive all the way down here. She spoke of the beauty with every changing season.

While the applicant says it's just one small parcel, Ms. Brown asked them to think about how much would be changed with the viewing experience there, not just for visitors, but for the residents who go by this area every day. These are quality of life, economic, and wildlife issues. She beseeched them to preserve the character of the city and treasure the uplands and wetlands that remain, even the ones that may have been disturbed already; just because they were disturbed years ago, does not make them less valuable. She opposed the change in the Comprehensive Plan and suggested preserving the beauty and value of these lands.

Patricia Wherry, 5875 Lemon Creek area, stated that her comments echo what was already said. She encouraged the Commission to resist approving actions that would result in disturbance along the wetlands. The wetlands are a major avian migration corridor and a national breeding area for birds. The fill-in of gravel and infrastructure along and in the wetland area is a very poor practice. Many residents of Juneau value the visible wetland of Juneau as a public pleasure and treasure.

The visibility of the wetlands and the beauty of the area is an important feature for tourist attraction, which brings in new customers. The drive view to a destination spot is an important part of that road's physical attraction. It is a little bit of land, it's not community property, but it does make a tangible difference to the community as a whole.

Mark Kelley, 437 Park Street, a photographer, presented a photograph of the area and questioned staff if the area was undisturbed or disturbed.

Ms. McKibben replied that the area was marginally undisturbed.

Mr. Kelley countered that it was mostly undisturbed because he thought staff had called it a disturbed area. Ms. McKibben replied that the area that is shown as industrial is mostly disturbed.

Mr. Kelley clarified that the area he was referring to was not. Ms. McKibben replied that was correct.

Mr. Kelley then spoke regarding an area photograph which he had shot from the church looking across into the mountains. He referenced an event in the 80s when there was a significant fight over whether or not to save the undeveloped side of the Mendenhall River. Against all odds and tremendous pressure from developers, the City ended up buying the river. He spoke of the

property in question tonight, the wetlands with a cherished viewshed and an unobstructed view of mountains in the background, stating that the introduction of an unspecified industrial zone would ruin this view. He asked for careful consideration with regarding to voting for this change, noting that the area in the photograph would disappear.

Leslie Lyman, 808 Fritz Cove Road, a summer tour guide, spoke regarding tours she had led coming over that hill and the awe on the people's faces was priceless. Ms. Lyman stated that she hoped that the loss of value in view would be taken under consideration. She expressed a desire for the land to remain as is.

Chair Satre thanked Ms. Lyman and asked for questions. There were none. He had the applicant come back to address the questions.

Mr. Walsh stated they are trying to follow the law, comply with the Comprehensive Plan, and the needs of the community. He felt that most of the comments that were made tonight do not comply with any part of the Mendenhall plats area. If no development were done, there would not be an airport or anything else out there. He noted there is not much private land left, this is a unique parcel in that regard. Other private land that is out there, is for the most part all developed. The City has gone on record plenty of times stating the need for more industrial and commercial land; part of it has been avoided because it seemed to be valuable because it is intertidal – that too will eventually become uplifted and become a fireweed habitat.

Mr. Walsh wished there had been some acknowledgment that they had cut the size of the reclassification in half but there was nothing they could do. There is no recognition of the hazard the pond creates. He thought they are doing the best they can do, given this is a piece of private land. He felt it is worth remembering that even in Rural Development, this property can still be developed, even though there are limits which other classifications do not have. He felt at some point, a line has to be drawn and Mendenhall wetlands refuge is one such line, and so is the jurisdiction line created by the intertidal wetlands. It would be much more difficult to get a development permit for the wet part of this property, the intertidal part, the part they were asking for a change. He hoped that the Commission would find a way to grant what has been asked.

Chair Satre asked for clarification as to whether Mr. Walsh was still advocating for the original request as an applicant as opposed to what staff has recommended.

Mr. Walsh replied that was correct, that they were asking for a mix of industrial near the airport and commercial near the highway. The final lines should be worked out in the future, but asked that the recommendation made to the Assembly have some flexibility.

Mr. Bishop asked if it was an acceptable change for the final line to follow the berm.

Mr. Walsh thought they could live with it, as opposed to nothing at all.

Mr. Medina addressed Mr. Walsh with regard to his commercial designation, asking if he had any residential uses planned for that.

Mr. Walsh replied that there was plan as yet; however, if they are granted what they are asking for, they would expect to see a rezone follow-on and then a subdivision proposal. The street layout would be in that subdivision proposal. What might be then built on individual lots would be up to whoever buys them.

Chair Satre thanked Mr. Walsh as there were no further comments and opened up for discussion. Mr. Bishop asked staff how the sound contours put together by the airport impacts the area.

Staff replied that the same contours were not used.

Ms. Grewe spoke regarding the iconic view on the highway toward the valley downtown and all the way down to Douglas Bridge and that area overlooks the Honsinger pond. When emerging on to the highway from the airport, people could see all the way down to Gastineau Channel. She tried to envision what commercial activity would occur in relation to the view all the way down Gastineau Channel because that was the breathtaking view spoken about in public comments. Douglas Island is a beautiful sight as well. She asked if Ms. McKibben had a photograph.

Ms. McKibben replied that she did not have a photograph. She did have the viewshed that is shown in the Comprehensive Plan.

Mr. Chaney (pointed to the map) and spoke regarding an area that was recently filled where some very large buildings are going to be built. Unfortunately, this area is going to have some buildings. He went on to explain where the viewshed was and how it would affect the view.

Ms. Grewe understood saying that it was after the berm that the really long viewscape was.

Chair Satre asked for the will of the Commission. He went on to ask what the rules of order were if there weren't five people for a quorum to vote, especially because they had to step down due to a conflict of interest. Mr. Chaney said that Mr. Hart was checking on it.

MOTION: by Mr. Bishop to approve AME2013 0007 as proposed by the applicant with conditions appropriate for this area and with the exception of following the boundary proposed by staff following the and analysis carried by staff, with the exception of staff's discussion on General Commercial not being berm between the LD and the GC in this case.

Mr. Bishop stated that he was not quite ready to speak to, for, or against this motion at this point. He noted it's hard because it is a private property and right now, they could stake it, fill it and they do not need to go through this General Commercial application to do that. They have the right to do it with the fill permit and could get rid of the beautiful viewscape that everyone loves, but that is not what this application is about. He opined this one is about a missed opportunity that the City had not taken advantage of up until this point. There have been a lot of Comprehensive Plan policies that have supported the purchase and acquisition of this property, but it has not taken place. Now the situation has changed and somebody wants to do something with the property that does conform to the Comprehensive Plan, it does meet the need to provide industrial and commercial land. On the one hand, it is meeting a need; on the other hand, it is

taking away something that all hold very dear. He admitted mixed feelings about this, expressing a desire to hear others' comments about this before he confirms his own thoughts on it.

Chair Satre asked if staff could provide a map to better clarify Mr. Bishop's motion.

Mr. Bishop (pointing to the map) recommended following staff's map with the exception of allowing the General Commercial line to be in a different area rather than going straight across diagonally as they recommended - that line would follow the one that was proposed by the applicant and the line separating the RP from the General Commercial would be the one proposed by staff.

Mr. Chaney stated that they were able to contact the City Attorney. Mr. Chaney conveyed his understanding of the rules. There were two members present who were recused for conflict, that reduces the requirement for a positive vote by one - in this case, four votes are required for a positive action.

Chair Satre opened for questions and discussion on the motion.

Ms. Lawfer agreed that it was a missed opportunity and an excellent point. With the way the lines were set up, her concern was more on the Industrial rather than the General Commercial because of what could be going on in an industrial area since it is so close to a sensitive habitat area. She spoke in support of that motion.

Mr. Medina did not believe that General Commercial was appropriate and he would be in favor of the recommendations by staff. He opposed Mr. Bishop's motion as stated.

Mr. Haight agreed with Commissioner Bishop's comments in that they do not have full control of that area. He suggested working on the situation, by continuing to do something that is workable at maintaining that viewshed area. In that respect, he voiced his support.

Ms. Grewe spoke in opposition to the motion, not just the change in the lines, but the whole request to amend the Comprehensive Plan maps. She discussed the following:

Comprehensive Plan itself - She read the staff report multiple times and while there is a need for more industrial land in the community, at the same time the history has shown the City and Borough's intent to acquire land for public use in this area. There was a little bit of confusion about exactly where it is, but just taking a common sense approach, she did not think it is a far stretch to think that the entire area could easily become public space. It is noted in some of the financial documents as well for acquisition. The Comprehensive Plan is a guiding document that evolves all the time, and right now, they were saying industrial lands are needed, but in a prior moment, they were saying this area should be used for a public recreation space. In ten more years, it could be something different. But, either way, the Comprehensive Plan, as it applies to this, she sees mixed messages, and also a missed opportunity with the City and Borough and voiced her frustration with that.

Viewshed / scenic corridor - She thought that this was an important scenic corridor, an iconic viewshed that really helps define the community.

Wildlife and ecosystem - There are a lot of comments in the packet. Over time, she has every confidence in that 39% number. Just in the ten years that she had been there, the wetlands has been encroached upon, as well as the surrounding buffers and it is all one ecosystem and it is Juneau's front yard – the value of the wetlands and the adjacent property.

She spoke about the identity of this place and of the people. She referenced Marsha Bennett's comments (from a previous meeting) as to why she might find conflict with this because she had wrote at length about the variety of people that live in the community and the variety of forums that the community has taken on over time. Ms. Grewe considered this area to be a core to their identity as a community.

Ms. Grewe felt the area was important to future investing. She spoke against allowing the continued degradation of the refuge or adjacent properties. She noted the property is their front yard, it has great curbside appeal with regard to the real estate market, and it was worth investing in.

Ms. Grewe then said there were 80 written pieces of opposition to include the 53 that were part of the packet last time before the application was pulled, along with 4 people that spoke in opposition tonight. She emphasized the significance of the opposition.

She referenced the issue of the water and birds on Honsinger pond. This was noted a couple of times, between the application and staff report. At the same time, there is a floodplain swamp right next to the runway also the airport guided trail, a whole canal system of waterways that has been constructed over the past few years. She admitted that it was another pond in the area, an added risk, but there are other waterways as well that seem to be encouraging early construction along the way.

Ms. Grewe noted that the Wetlands Review Board recommended, "The best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach will be to increase the safety of the airport by removing the ponds (by not removing the pond per se) that attracts large birds and also to provide an additional buffer for the refuge." She reiterated that the Wetland Review Board felt the best use of this parcel would be to restore and developed the portions to their natural state.

She informed that was an important factor in her decision.

Ms. Grewe added about the land is zoned now, it is not rendered unusable; it is usable for resource extraction, recreation, visitation, and residential uses; just as the representative applicant noted tonight, they are not allowed to do as much with the land, but they are not prohibited from using it. Her vote tonight would be to honor what they already have in their Comprehensive Plan maps.

Ms. McKibben spoke on Mr. Bishop's motion and asked for clarification if the industrial line be as shown as on the applicant's proposal and the General Commercial to align with the berm. She went on to ask if the findings were amended as well.

Mr. Bishop replied that any use in the General Commercial would have to go through a conditional or allowable use permit but a residential zoning was not appropriate.

Ms. McKibben asked if Mr. Bishop would want to further amend the second finding which speaks only to industrial property.

Mr. Bishop replied that he did not think that was necessary.

Ms. McKibben wanted to clarify if the recommendation would be amended as the map would be amended.

Mr. Bishop replied that was correct.

Roll Call Vote:

Ayes: Lawfer, Bishop, Satre

Nays: Medina, Grewe, Haight

Motion fails 3:3.

Chair Satre confirmed that the motion by Mr. Bishop with the original applicant's request has failed and asked for confirmation.

Mr. Chaney replied that if it were rejected, it would not be approved.

Chair Satre adjourned as the Planning Commission and reconvened as the Board of Adjustment.

X. BOARD OF ADJUSTMENT

VAR2013 0007: A Variance to reduce the rear yard setback from 20' to 10' for construction of a single-family dwelling

Applicant: Northwind Architects

Location: 540 West Eighth Street

Staff Recommendation:

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2012 0007, which would allow for construction of a single-family dwelling 10 feet from the rear property line where 20 feet is required.

Staff report:

Teri Camery, Senior Planner, stated that the proposal was to reduce the rear yard setback in the D5 zoning district from 20 feet to 10 feet, the construction of a single-family dwelling. She (pointing to the map) spoke regarding Lot 7 that has a constructed commercial warehouse on the

site, a legally non-conforming use in the D5 zoning district. The vacant lot next to that is the lot under consideration tonight, the vacant lot where the applicant proposes to build a single-family dwelling, reducing the rear yard setback from 20 feet to 10 feet. She presented the site plan that was included in the staff report.

Lot 8 is a two-story, 2400 square foot dwelling (dwelling on the upper floor). The applicant stated purpose for the variance is to move it 10 feet farther to the rear of the lot from what is allowed for the apartment's setback, to allow for parking of three regular-sized vehicles and one commercial vehicle that is used for the adjacent lot with a non-conforming commercial use.

She referenced a letter from the adjacent neighbor, which stated that they have no concerns with the variance. The form is generally designed to match the work line in the existing building on the adjacent lot. They have gone through any concerns about compromised views or other issues with the surrounding neighbors.

The lot is substantially undersized for a D5 zoning district, approximately half the known size, because no building has been constructed on the lot yet due to substandard setbacks. Staff has recommended against the proposal on the basis of criteria number 5.

She briefly mentioned the other criteria saying that staff recommended against criteria number 1, on the basis that the applicant has other options for leaving the setback of the property, such as reducing the size of the home. There are also other options available for moving the proposed parking spaces all the way to the very front of the property line and adjusting the building that much further. Another comment in the staff report was that the Land Use Code requires only two spaces for a residential, not three. On that basis, staff recommended against meeting criteria number 1.

Criteria number 2 addresses the purpose and intent of Title 49, staff recommended in favor of that because they did not see any negative impacts on the proposed variance.

Criteria number 3, staff did not see any negative impacts to nearby property, it was met.

Criterion 4, staff was in favor.

Staff has recommended against Criteria number 5 because they could not find that the applicant met any of the four sub-criteria. Compliance with the existing standards would reasonably prevent the owner from using the property for municipal activities. It was noted that the applicant could construct a smaller building _____ adjustments to the proposed development that would allow construction of a single-family dwelling, which is the primary permissible use.

Sub-criteria 5B has a very similar argument. The applicant can construct a single-family dwelling, which is comparable in size to other homes in the area, noting the 20 feet rear setback.

Criteria number C would be unnecessarily burdensome because there are no physical features. It is an undersized lot, but that in itself does not make for a unique feature.

Final sub-criteria 5D is because of pre-existing, non-conforming conditions on the subject parcel which would gradually not result in a net decrease in the overall compliance. Again, this is an undersized lot. There are no sub-standard setbacks because nothing has been built. If a building is constructed with sub-standard setbacks, the overall market compliance is increased. She stated that was the reason they recommended against that sub-criteria.

Final criteria is that grant of the variance would result in more benefits than detriments to the neighborhood. They found in favor of that criteria. The proposal does provide off-street parking, which is a benefit in this neighborhood. The applicant described in the application about how there is a significant problem with overflow parking throughout this area - heavy use of the federal building and commercial uses in the area. There is a comment from the adjacent neighbor stating that they do not oppose it. Work lines are compatible. No other impacts were noted. Staff is recommending against the variance based on not meeting criteria number 1 and criteria number 5.

Chair Satre opened for questions for staff.

Ms. Lawfer commented regarding criteria number 5, conveying her understanding of D5, but she noted a warehouse right next to the parcel. She asked when the existing development is evaluated, do they actually look at what is standing and what is present to date.

Ms. Camery answered that certainly the immediate adjacent use is a legal non-conforming commercial use; it is not typical of D5 buildings and not generally comparable for the neighborhood.

Mr. Miller asked about lot 9 and what was behind lot 8, asking how those buildings would line up with setbacks - if they met the setbacks for D5.

Ms. Camery was unable to give any details.

Mr. Watson spoke regarding community development.

Ms. Camery replied that this would certainly be discussed with other planners.

Mr. Miller asked for the alternatives to the design.

Ms. Camery stated that one option would be to reduce the size of the structure, take it 10 feet back, it would still be a decent sized home. Another thing would be to move the placement of vehicles all the way up to the front property line which would allow an additional 2-3 feet. The building could be orientated in a different direction, which could potentially reduce the size.

Mr. Watson asked why there was a lack of consistency.

Ms. Camery stated there were three residential parking spaces there. It is quite unusual to accommodate commercial uses in a residential lot. They could reduce the number of residential

parking spaces to two, which is the parking requirement code. These are all somewhat unusual factors that are not typical of other homes in the neighborhood.

Mr. Watson felt that this project was ____.

Ms. Camery felt they would have the same analysis in a different angle with similar things like reducing the size of the home, move the structure forward...

Mr. Haight asked for clarifications as to the conditions that apply. He referenced other applications that they have looked at, such as the Douglas application in particular, in which they looked at setbacks based on existing, non-conforming setbacks. He asked if the current situation was applicable to that.

Mr. Chaney stated that provision of codes for front yard setbacks does not apply to rear yard setbacks. He felt that is the reason for some of the confusion. With a residential lot that is wide and open, with no unique features, and no constraints on construction - they recommend the rear yard setback.

Chair Satre asked for other questions for staff. Seeing none, he opened for public comments.

Applicant Testimony:

James Bibb, representative for the applicant said that he appreciated staff working with the zone issues. The unique situation is the existing use of that area. There is a small warehouse. The setback has a lot to do with how that space is used now. He spoke regarding appropriate parking and having enough parking options. He admitted that they could pull the building back, but noted that they want to maintain the existing use, the way that lot is used now is for parking.

Mr. Miller asked about the code for parking spaces.

James Bibb replied that they use a standard parking stall of 18.5 feet, noting that some of these are probably larger. There is a narrow sidewalk to begin with. The idea was to get as much as possible off the sidewalk and maintain at least a few parking spaces for the musicians that likely use that area.

Mr. Miller referenced the staff report and a comment from the neighbor about the view and building it 10 feet lower – and asked Mr. Bibb if he had spoken to the neighbor.

Mr. Bibb stated that Ron Muss, who was in the audience, was careful to make sure he talked to them prior to even going for an application. It was made clear that there was an opportunity for him to write a letter and/or have a discussion.

Mr. Haight asked what the apartments look like on the backside of this property.

Mr. Bibb replied that he could not comment on that, other than noting that there may be a partially vacant lot somewhere in the vicinity of property 7, 8 or 9. He did not know the setback of the house behind it; the only thing that is known is that it sits up approximately 3 feet against

the retaining walls. There is a bit of a height difference for that lot as it moves back. He presented a picture to further explain this.

Mr. Miller noted that the blue building is almost right up to the back property line. The barn style, light green building looks pretty close to the retaining wall. He asked if the picture displayed visual accuracy.

Mr. Bibb replied that he could not recollect exactly where the building was at.

Public testimony was closed.

Chair Satre asked for the will of the Commission.

Mr. Watson asked if this was the only photograph that is available of the subject area.

Mr. Chaney ____ replied he could try to come up with something.

BREAK: 9:06 to 9:10 PM.

Mr. Watson had some questions regarding the spacing of the backyard.

Ms. Camery replied that it appears to be about 20 feet from the property line and explained the lot measurements and such.

Mr. Miller thought that the staff analysis on criterion #1 does a good enough job. The relaxation plat as specified would give substantial relief to the owner of the property involved and would be more consistent with justice for the property owners. He discussed options for consistency – would it be more consistent and just to force some parking spots out on to the streets or make the property owner strictly conform to the rear setbacks so that the only way they can build would be to go an extra floor? He thought it would be more consistent and just to the neighborhood and the property owners to grant the variance. Mr. Miller read 5B and said that first paragraph of staff's analysis says that 'the Casey-Shattuck Neighborhood in general and the adjacent lots in particular had many non-conforming features, including sub-standard setbacks and undersized lots. This often provides support for a variance request in the area. In addition, the variance does not appear to create adverse impacts on surrounding properties...' He thought that was reason enough for 5B. 5C, Mr. Miller thought about the physical features of the neighborhood and thought it was too much of a stretch.

MOTION: by Mr. Miller to approve VAR2013 0007 with the alternate findings as stated.

Chair Satre asked for any discussion and/or objection on the motion: Mr. Medina had an objection. There was no further discussion.

Roll Call Vote

Ayes: Miller, Grewe, Haight, Lawfer, Bishop, Watson, Satre

Nays: Medina.

Motion passes 7:1.

Chair Satre adjourned as Board of Adjustment and reconvened as Planning Commission to take up the Comprehensive Plan.

IX. REGULAR AGENDA

AME2012 0006 A Text Amendment of Title 49 and the Comprehensive Plan for the 2013 update
Applicant: City and Borough of Juneau
Location: Boroughwide

Chair Satre voiced appreciation of everybody's efforts at the last Committee of the Whole, noting they worked through incredible amounts of material in the Comprehensive Plan. At the end of the evening, there were only two items left undone on which they would focus the conversation on this meeting - Commissioner Miller was supposed to work on some proposed language changes to Chapter 11. Mr. Miller also had provided Chair Satre with an e-mail on some language change for the history section, which the Planning Commission liaison, Mr. Smith, had some comments about. There may be one or two other small items remaining that may be addressed. A clean copy of all the edits will be made to bring back for a final discussion for approval.

Mr. Chaney noted that the material was in the blue folder last time and he had handed them out earlier and wanted to know if everyone had a copy.

Chair Satre wanted to make sure that everyone had the same version because he did see two versions. He asked Mr. Lyman if he had anything that needed to be addressed.

Mr. Lyman replied that there was nothing to report other than they were continuing to work diligently through the document making sure that all changes have been documented.

Mr. Miller made comments regarding the first three paragraphs. Mr. Miller did not think it was saying what he thought it should say. On Page 185, he changed one word in the second sentence of the first paragraph, changing the word 'translate' to 'rendered'. He had a problem with the second paragraph, second sentence, noting that it just did not fit in that paragraph. This paragraph talks about land uses shown are expressed in a range of development intensities. If that second sentence is taken out, the whole rest of the paragraph makes sense because they are talking about what the land use has shown and the range of development intensities; it gives examples of that. The third paragraph, is where it talks about considering rezoning requests – that's what the second sentence from paragraph 2 is talking about, so that is where he inserted it. Essentially, he did not change any wording. He only reordered it. He felt it now made better sense and conveyed better accuracy of what was intended to be said. In the second sentence, he did change, "all new zoning or rezoning designations are required to be substantially consistent with the Comprehensive Plan maps." He did not think that they need to say "maps." He thought

that instead they should say ‘...substantially consistent with the Comprehensive Plan’. He provided the new third paragraph (blue folder item).

Mr. Watson thought that Mr. Miller’s changes made it a lot smoother with better wording and made more sense. He agreed with not using the word “map.”

Ms. Grewe opined that the plan is obviously the guiding document, but the maps are the execution of the document; assuming that all of the zoning is up-to-date. She asked if there was a preference on this.

Mr. Lyman stated that personally, he did not have a preference. With the maps, he noted that it is difficult with Juneau being a whole new municipality because the way that the Comprehensive Plans authorize some state laws a little bit differently. Generally speaking, the maps are very important, legally required components of a Comprehensive Plan. That said, there is no legal requirement where they must have a transportation plan map and that is where their investments will be going forward. Ultimately, the maps are part of the plan. The plan is certainly much more comprehensive overall than the maps themselves.

Ms. Grewe voiced concern regarding the Comprehensive Plan maps being part of the plan. She noted that other commissioners that may come after her may consider them as two different things and may literally interpret what they have written in the plan. She agreed with all the changes, but stated that she was unsure about the map one. She felt that maps were for land use regulations, exactly where the rubber meets the road, but admitted that there are some problems with regard to land use maps.

Mr. Watson recognized what Ms. Grewe was saying. When the official rewriting is accomplished, it will be more accurate.

Ms. Grewe stated that she agreed with everything Commissioner Miller said except about the map reference. She suggested leaving the tinkering language for the later update, instead of vice-versa.

Mr. Bishop stated that he was going to support his previous position and just say that it has to be consistent with the Comprehensive Plan maps. This is specifically addressing the Comprehensive Plan maps in this particular chapter and he thought it was appropriate to state that. He did not see that anything would be lost by doing so.

Mr. Miller thought that the rezone being denied and then getting appealed was due to the ambiguity of the maps. While the land use designations on the maps are specific, the way the borders have been painted on to the maps has been by broad strokes and general ideas, even the property lines are very thick. Mr. Miller has had an ongoing concern regarding this. If these things are going to be absolute, then more attention needs to be paid to the maps. The maps have not been critically analyzed, so he thought by keeping the map off the end of that sentence, it still does everything that they want it to do, because that is what the Comprehensive Plan is. They have gone through all of the chapters of the Comprehensive Plan with a critical eye.

Chair Satre commented that certainly have a code language that allows them some flexibility.

Chair Satre went on to ask if there was any objection to the first two edits. There were none.

MOTION: *by Mr. Miller to change the third paragraph as written in his recommendations that were in the blue folder item.*

Mr. Bishop spoke against the motion, noting this is a significant change. This is not a change that he felt was supported by a number of the Assembly members. There is a fair amount of concern regarding weakening the language substantially. Quite a few members of the Assembly did not like the edits that were made. They wanted conformance with the ____ plans. It was felt that ambiguity was needed to allow them to have some deference to higher industrial uses and providing for more flexibility to decision making. By taking it to the next step, they would be going beyond what was previously discussed and beyond what may be the comfort level of the Assembly members.

Mr. Haight felt that if they take the sentence off, as has already been agreed upon, in the second paragraph, they should not re-insert it back in the third paragraph.

Mr. Miller clarified, asking if they should eliminate the sentence altogether.

Chair Satre commented that if they do not accept Mr. Miller's edit, then that sentence goes away.

Mr. Miller noted that they have already accepted 1 and 2.

Ms. Grewe asked for clarification on what was accepted.

Chair Satre clarified that there were three sets of edits- there was consensus on the edits to the first paragraph, second sentence. The second portion appeared to have consensus. There was discussion on the third, so to formalize that, they would need to put a motion on the table for the third.

Chair Satre asked if everyone was clear on the paragraph edit. He asked if it was appropriate to put these two items back together for a motion.

Mr. Miller still thought that if it needs to be in there, it had to go to the third paragraph. He opined it should be in there without the work "map" at the end. He conceded that if the majority believed that it should in there, then he thought that the sentence needs to be there, whether it has 'map' at the end or not.

Mr. Medina requested clarification if Mr. Miller meant, '....Comprehensive Plan' and not 'Comprehensive Plan maps'. Mr. Miller stated that was correct.

Chair Satre stated that perhaps it may be appropriate for someone to suggest modifying Mr. Miller's reordering of the maps, noting that would clarify the process.

Mr. Lyman commented that the second sentence in the second paragraph does not work in that paragraph. All agreed to inserting it into the third paragraph in the location that Commissioner Miller suggested makes sense linguistically. The question is whether or not to put 'maps' at the end. Aside from that, when a rezoning is considered, it is being considered under the provisions of Title 49, the Land Use Code, which says that the rezoning has to substantially conform with the Comprehensive Plan Land Use Maps. That is not being reviewed against this paragraph. Whatever is decided, the next time a rezoning request comes in, this paragraph will not be consulted; the same ordinance that the Commissioners were looking at today would be referenced.

Mr. Bishop suggested keeping the current language consistent with both the Comprehensive Plan and accompanying maps.

Mr. Miller stated that he would accept a change of wording to, 'Land Use Maps' as a friendly amendment.

Chair Satre asked for any discussion or objections on that. None were raised.

Historical Notes

Referencing the blue folder items, Chair Satre noted that there were some concerns with this because there were three different versions to this including the one from Ms. Bennett (e-mail April 5, 2013 at 6 p.m.)

Ms. Grewe said that the one on top from Ms. Bennett was the final copy along with the staff disclaimer, and a discussion of each separately.

Chair Satre clarified that he had two pages from staff and also had a third page. He addressed Mr. Smith, asking what the staff had given.

Mr. Smith noted that at last week's meeting, he scanned what Ms. Bennett had written at the meeting. He offered approximately 7 small additions in an effort to highlight some of the organizations that she had referenced to and some she had missed. He suggested adding a footnote that said a full consultation would be done for the next update.

Chair Satre commented that he thought that there was some agreement towards that.

Mr. Medina addressed Mr. Smith, noting that his greatest concern was that it had been reviewed by central council and other organizations. He asked Mr. Smith, in his opinion, if he felt comfortable with what was written. He asked if there might be retribution because of improper review and because it had not been vetted by organizations that have a vested interest in this.

Mr. Smith felt that there were several organizations / tribes that need to be added on to the list; may be only one or two may object or say anything.

Chair Satre noted that there was a proposed footnote from staff, but asked what version of the draft language they were looking at.

Mr. Smith commented that he was referring to the document dated April 5, 2013.

Chair Satre confirmed that was the e-mail that came out at the 6 p.m.

Mr. Medina had a question regarding the second page, third paragraph. He quoted, “corporations and nonprofit organizations of operate today in Juneau.” He stated he was confused and asked the meaning of that.

Discussion ensued clarifying that it referred to _____ that are based in Juneau. Mr. Lyman noted that staff had not gotten a copy of that. Chair Satre stated that Brenwynne and Cordova had received it in terms of staff.

Mr. Bishop stated that he was happy with what Commissioner Bennett had written. He referenced a drawing. He suggested some wording change to, “The Planning Commission acknowledges that the brief history above may not be entirely accurate nor complete,” rather than, “it’s not necessarily appropriate.” He did not feel that they wanted to say that they were not being appropriate. He suggested striking the whole next sentence, “At the time of the 2013 Comprehensive Plan update, I was not available to provide a more suitable history of Juneau’s original inhabitants.” He felt that sounded like an excuse. He suggested instead writing, “However, the Planning Commission is committed to revising the historical section.....”

Ms. Grewe felt they need a good history. The Comprehensive Plan is supposed to be the complete history of the community. It is supposed to be respectful and accurate and she thought it was as currently written. It made her a little uneasy to say that they have been doing the update for two years, but have still not had the time to get the history right. She thought the history was correct in Ms. Bennett’s statement.

Chair Satre noted that the largest concern they had originally was the earlier portion of the history. Now they would have to completely rewrite that part. He asked if they were just doing introductions or if they would be replacing the entire history chapter.

Mr. Miller said that a disclaimer may not necessary, but in lieu of a disclaimer may be they could send out a request as an alternative; sending out a request now to different organizations, asking for the history which can be incorporated at any time. He was in favor of Mr. Bishop's changes. He referenced the community history, pointing to the first paragraph, the second to last sentence, which said that people were joined from other tribes, by Asians and other migrants who married their daughters. He felt this part may be somewhat distasteful. He wanted that part edited out.

Mr. Medina agreed that they did not need to include that part.

Chair Satre recognized that there were portions that were hard to carve out. He went on to ask if they were just replacing the pre-1880 portion or eliminating it.

Mr. Watson agreed with Mr. Bishop's edits regarding the disclaimer. He suggested that they leave the chapter as is and improve the disclaimer rather than trying to rewrite something.

Chair Satre thought that they have had some very positive comments to Ms. Bennett's contributions, but there were certainly some edits that commissioners have started to point out. He asked for a motion.

MOTION: *by Mr. Miller to adopt the April 5, 2013 rewrite of the community history section of the introduction and insert it in its entirety into Page 3 of the orange book. He recommended striking 'who married their daughters' on the first paragraph, second sentence.*

Ms. Grewe asked for a friendly amendment regarding capitalization issues.

Mr. Chaney requested clarification on the motion. He asked if they were striking everything that is currently in community history and replacing it. He specifically asked if all of what was in there now would go away and what is on the sheet will be replacing it; with edits as appropriate. There was agreement from the members.

Chair Satre noted that the commissioners would provide the technical, punctual, and address minor inconsistencies. He asked for further discussion and/or objection on the motion. Seeing no objections, he moved on to disclaimers.

MOTION: *by Mr. Miller to not have a disclaimer.*

Ms. Grewe acknowledged that it is a planning document to support the Comprehensive Plan. She noted that it really does go beyond that. She would like to see a more comprehensive review by native organizations and other cultural groups. She thought they need to look at the native history but also other cultural groups because it does affect how for example, the historical district is viewed, like there are no cultural standards or anything like that. She felt there was an impact on planning and suggested that they have to address that. She was okay with the disclaimer that was proposed by Commissioner Bishop.

Mr. Miller withdrew the motion.

Chair Satre announced that the motion was withdrawn. There were some good comments about Mr. Bishop's changed language.

MOTION: *Mr. Bishop suggested incorporating Mr. Chaney's proposed disclaimer with his (Mr. Bishop's) edits at the end of Chapter 1 – Cultural History.*

Mr. Medina asked for a verbal review of the edits.

Mr. Bishop read, "The Planning Commission acknowledges that the brief history above may not be entirely accurate nor complete; however, the Planning Commission is committed to revising the historical section of the Comprehensive Plan in consultation with scholars, appropriate native organizations, and other cultural groups prior to amended Comprehensive Plan revisions."

Chair Satre asked for any discussion or objection. Motion passes unanimously.

Mr. Watson stated that at the Public Works Committee meeting on Monday, they spoke about the CIP list. They do not want to continue using the word “second crossing.” They are recommending highly that the Commission reference anything regarding this as “North Douglas crossing,” and remove “second crossing” throughout the Comprehensive Plan, and refer to it as the “North Douglas Crossing.”

Chair Satre forwarded that request to Mr. Lyman.

Mr. Lyman replied that they had made that change in 2008. There was actually only one reference after Chairman Satre brought that to his attention. He did a search and found one reference where it was referred to as the North Douglas Crossing. Below that in the same paragraph, it said, ‘a second crossing is necessary because...’ and Mr. Lyman went ahead and made a technical edit to the policy.

Chair Satre asked for anything else on the Comprehensive Plan updates. He thanked everyone and made comments regarding finalization. It was doubtful it would be finished by the next Planning Commission meeting on the 23rd. They could expect to have a clean copy by the first Planning Commission meeting in May. At that time, final comments would be appropriate and then they would begin the process of introducing it to the Assembly.

Mr. Lyman asked how long of a review time was needed for the document before it was recommend to the Assembly.

Chair Satre replied they would need a week.

Mr. Watson asked in which chapters were most of the changes occurring.

Chair Satre clarified that the significant changes were in Chapters 4, 5, 6, and 8.

Mr. Lyman stated that the changes to Chapter 8 were more of reorganizational changes. He went through this very carefully, especially based on Max Mertz’ comments etc. about how some changes in Chapter 5 were not shown as such; he emphasized that he was trying to catch every word that is not shown or should be shown as a change. Chapter 5 was the only problematic area. There were some areas where things were removed from Chapter 6 to Chapter 12. He would be putting them back in so that it can be seen exactly what changes were made. It is taking a little longer, but he thought it will be less frightening to the public.

Chair Satre asked for anything further on the Comprehensive Plan. He closed that item, and moved on to the Director’s Report.

XI. OTHER BUSINESS

XII. DIRECTOR’S REPORT

Mr. Hart discussed his meeting with chamber members. He noted everyone was on the same page towards the update of the Comprehensive Plan, which would occur in two years. He commented that Sealaska was slowly making a full submittal for their new building in the downtown area. He noted that it would be some time before it comes to the Planning Commission.

Mr. Hart just wanted to let everyone know that they were moving forward on that and there will be a number of issues that will come before the body.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Watson reported that the Public Works Committee met on Monday. The North Douglas crossing will be kept on the CIP List. Assembly members were present.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Bishop voiced curiosity regarding how the appeal went.

Chair Satre replied that it has not been made public yet.

Ms. Lawfer stated that she would not be present for the April 23, 2013, Planning Commission meeting.

Mr. Chany pointed out that the next meeting has a very heavy agenda. He stressed the importance of attendance.

Mr. Medina asked if there were any other appeals.

Chair Satre replied that the gravel pit appeal was still outstanding.

Mr. Chaney added that they were looking forward to seeing the opening brief soon.

Mr. Bishop asked what action was taken with regards to Lemon Creek.

Mr. Chaney replied that there was a little bit of complication. They started operating without a permit. They were given a stop work order. Then, the permit was issued within a few days. They continued operation and it was completed. There was a stay being considered, but SECON finished their project before the stay was actually considered. The project was done by March 15.

XV. ADJOURNMENT

MOTION: *by Mr. Watson to adjourn the meeting.*

With no objection, the meeting was adjourned at 10:11 pm.

